

Doc No. 2818

This compilation incorporates amendments up to and including the South Coast Line and Fish Trap Managed Fishery Management Plan Amendment 2022 published in Government Gazette No. 89 on 28 June 2022.

Fish Resources Management Act 1994**SOUTH COAST LINE AND FISH TRAP MANAGED FISHERY
MANAGEMENT PLAN 2020**

FD 1138/19 [CID 190222]

Made by the Minister under section 54.

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Fish Resources Management Act 1994

SOUTH COAST LINE AND FISH TRAP MANAGED FISHERY MANAGEMENT PLAN 2020

FD 1138/19 [CID 190222]

Made by the Minister under section 54.

PART 1 – PRELIMINARY

1. Citation

This plan is the *South Coast Line and Fish Trap Managed Fishery Management Plan 2020*.

2. Commencement

This plan will come into operation on 1 June 2021.

3. Exception

This plan does not apply to the persons described in clauses 7(1)(a) and (b), 7(2)(a) and (b), 7(3)(a) and 7(4)(a) prior to 1 July 2021.

4. Interpretation

In this plan, unless the contrary intention appears –

annual catch means the whole weight of scalefish and squid that has been –

- (a) taken during a calendar year; and
- (b) determined and recorded by the Department, on the basis of the relevant fishing returns submitted to it for that calendar year;

authorised boat means a licensed fishing boat that is used to fish under the authority of a licence, the name and licensed fishing boat number of which are specified on a licence;

calendar year means the period commencing 1 January in any year and ending on 31 December that same year;

conversion rates means the rates used from time to time by the Department's Director Aquatic Science and Assessment to convert the weight of a part of a fish to a whole weight for departmental recording purposes, being generally those rates specified in Appendix B, Ministerial Policy Guideline No. 14 except where –

- (a) a rate in Appendix B, Ministerial Policy Guideline No.14 superseded an earlier rate, or was superseded by a later rate, in which case that earlier or later rate (as the case may be) applied at the relevant time; or
- (b) a rate in respect of a species of fish that was not specified in Appendix B, Ministerial Policy Guideline No. 14 was applied at the relevant time;

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class A fishing means a class of fishing which is specified on a licence which authorises fishing by line and hook for scalefish in the waters of the Fishery;

class B fishing means a class of fishing which is specified on a licence which authorises fishing by line and jig for squid in the waters of the Fishery;

class C fishing means a class of fishing which is specified on a licence which authorises fishing by fish trap for scalefish in Zone 1 of the Fishery;

class D fishing means a class of fishing which is specified on a licence which authorises fishing by fish trap for scalefish in Zone 2 of the Fishery;

class of fishing means class A fishing, class B fishing, class C fishing or class D fishing;

Department means the Department of Primary Industries and Regional Development Western Australia;

dropline means a fishing line, other than a longline, which when used for fishing –

- (a) has a weight attached to one end only; and
- (b) is deployed vertically through the water; and
- (c) is not attached to a boat;

Fishery means the South Coast Line and Fish Trap Managed Fishery identified in clause 6;

fish trap means a device designed to act as a trap or that may act as a trap for scalefish;

fishing return means a return –

- (a) in a form approved by the CEO under the *Fish Resources Management Act 1994* or the *Fisheries Act 1905* for recording the catch of fish taken with the use of a fishing boat under a fishing boat licence and submitted under regulation 64 of the regulations or section 18 of the *Fisheries Act 1905*; and
- (b) received by the Department on or before 30 January 2019;

handline means a fishing line which when used for fishing has one end in constant contact with an authorised boat, or is attached to a fishing rod or reel, or is held in the hand;

jig means a lure or device used for taking squid which is attached to a line and which has unbarbed hooks;

licence means a managed fishery licence authorising a person to fish in the Fishery;

line means a handline, dropline or troll line;

longline means a longline that, when set, is laid wholly or partially in continuous or intermittent contact with the seabed, other than –

- (a) a hand line;
- (b) a troll line; or

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(c) a drop line;

open access line fishing methods means fishing by line –

- (a) by a person fishing commercially from or in connection with the use of a licensed fishing boat, in accordance with laws of the State regulating commercial fishing from time to time; and
- (b) that was not carried out under any limited entry fishing licence, managed fishery authorisation, exemption, or any other administrative or legislative exception to any prohibition that applied, or purported to apply, to that person and did not also apply, or purport to apply, to all other persons;

qualifying period means the period commencing 1 January 1993 and ending on 31 January 2013;

qualifying period one means the period commencing 1 January 1993 and ending on 31 December 2003;

qualifying period one catch means the whole weight of scalefish, recorded by the Department from relevant fishing returns, and is the product of scalefish (whole weight) taken during qualifying period one and 0.75;

qualifying period two means the period commencing 1 January 2004 and ending on 31 December 2013;

qualifying period two catch means the whole weight of scalefish, recorded by the Department from relevant fishing returns, and is the product of scalefish (whole weight) taken during qualified period two and 1.25;

regulations means the *Fish Resources Management Regulations 1995*;

scalefish means all fish of the Class Osteichthyes other than –

- (a) fish of the common name Western Australian Salmon described by the scientific classification *Arripis truttaceus*; and
- (b) small pelagic fish as defined in the *South Coast Purse Seine Management Plan 1994*;

squid means all cephalopods of the Sub-class Coleoidea with the common name squid or cuttlefish other than cephalopods known by the common name Octopus described by the scientific classification Family Octopodidae;

total catch of scalefish means the whole weight of scalefish that is equal to the sum of qualifying period one catch and qualifying period two catch;

total fee means the sum of the fees payable for each class of fishing specified on a licence;

troll line means a handline that is towed by a boat;

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whole weight in relation to a scalefish or squid means the weight of the fish that, in accordance with the relevant conversion rate, has been determined and recorded by the Department as the whole weight of fish;

zone means the relevant Zone of the Fishery as described in Schedule 2.

5. Procedure before this plan may be amended or revoked

All the licence holders are the persons to be consulted before this plan is amended or revoked.

PART 2 – THE FISHERY

6. Identification and declaration of the Fishery

- (1) The Fishery to which this plan relates is fishing by the use of line or fish trap to take scalefish or squid in the waters described in Schedule 1.
- (2) The Fishery is a managed fishery, and may be referred to as the South Coast Line and Fish Trap Managed Fishery.
- (3) The Fishery is divided into two zones as described in Schedule 2.

PART 3 – LICENCES AND FEES

7. Criteria for the grant of a licence

- (1) The criteria to be satisfied before the CEO may grant a person a licence authorising Class A fishing in the Fishery are that –
 - (a) on the date of commencement of this plan, the person was the holder of a fishing boat licence; and
 - (b) the –
 - (i) total catch of scalefish (whole weight) taken under the authority of that fishing boat licence by open access line fishing methods during the qualifying period was not less than 10,000 kg; or
 - (ii) annual catch of scalefish (whole weight) taken under the authority of that fishing boat licence by open access line fishing methods for a minimum of 10 calendar years during the qualifying period was not less than 1 kg; and
 - (iii) total annual catch of scalefish (whole weight) taken under the authority of that fishing boat licence by open access line fishing methods during the qualifying period was not less than 5,000kg; and
 - (c) an application for the grant of a licence in respect of that fishing boat licence is made only once, on or prior to 31 August 2021.
- (2) The criteria to be satisfied before the CEO may grant a person a licence authorising Class B fishing in the Fishery are that –

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- (a) on the date of commencement of this plan the person was a holder of a fishing boat licence; and
 - (b) the total annual catch of squid taken under the authority of that fishing boat licence by open access line fishing methods during the qualifying period was not less than 100 kg; and
 - (c) an application for the grant of a licence in respect of that fishing boat licence is made only once, on or prior to 31 August 2021.
- (3) The criteria to be satisfied before the CEO may grant a person a licence authorising Class C fishing in the Fishery are that –
- (a) on the date of commencement of this plan the person was the holder of fishing boat licence number 1035, 1041, 1093, 1305, 1448, 1451, 1947, 2103, 2207, 2344 or 3041; and
 - (b) an application for the grant of a licence in respect of that fishing boat licence is made only once, on or prior to 31 August 2021.
- (4) The criteria to be satisfied before the CEO may grant a person a licence authorising Class D fishing in the Fishery are that –
- (a) on the date of commencement of this plan the person was the holder of fishing boat licence number 2500, 2668, 2696, 3489 or 3539; and
 - (b) an application for the grant of a licence in respect of that fishing boat licence is made only once, on or prior to 31 August 2021.

8. Duration of licences

A licence granted or renewed for a period commencing on 1 July in any year expires on 30 June next following the date of grant or renewal.

9. Items that must be specified on a licence

A licence must specify –

- (a) the name and business address of the holder of the licence; and
- (b) the name and licensed fishing boat number of any licensed fishing boat that is to be used under the authority of that licence; and
- (c) the licence number; and
- (d) the date on which the licence was granted or renewed; and
- (e) the date on which the licence expires; and
- (f) the name of the Fishery; and
- (g) the class of fishing that is authorised under the licence; and
- (h) the zone of the Fishery in which fishing is authorised; and
- (i) any conditions imposed on the licence by the CEO.

10. Fees

- (1) Where a licence is granted for a period expiring on 30 June 2023, the fee is –
- (a) \$878.26 where that licence specifies Class A fishing;
 - (b) \$229.12 where that licence specifies Class B fishing;
 - (c) \$9.92 where that licence specifies Class C fishing; and
 - (d) \$71.72 where that licence specifies Class D fishing.

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- (2) For the purposes of regulation 137(2) the total fee may be paid by instalments as specified in Schedule 3 if -
 - (a) an election to pay by instalments is made by the holder of a licence in accordance with subclause (3); and
 - (b) there is no other fee, charge or levy in respect of the licence which has not been paid at the time the election is received at the head office of the Department.
- (3) An election for the purposes of subclause (2) must be –
 - (a) made in writing;
 - (b) received at an office of the Department on or before 1 July of the year for which the licence is to be renewed; and
 - (c) accompanied by the first instalment plus the surcharge.
- (4) For the purposes of regulation 137(3) the surcharge will be 3.13% of the total fee.

PART 4 – TRANSFER OF LICENCE

11. Grounds for refusing to transfer an entitlement

The CEO may refuse to transfer an entitlement to a class of fishing, conferred by one licence (the ‘transferor’s licence’) to another licence (the ‘transferee’s licence’) on the grounds that –

- (a) the transferee is not a holder of a licence in the Fishery; and
- (b) the fee in respect of the transferor’s licence was not paid when it became due.

PART 5 – GENERAL REGULATION OF FISHING

12. Use of boats

- (1) A person must not use a boat in the Fishery unless –
 - (a) the person is the holder of a licence and the boat is an authorised boat specified on the licence; or
 - (b) the person is acting for or on behalf of the holder of the licence and the boat is an authorised boat specified on the licence.
- (2) A person fishing in the Fishery under the authority of a licence must not fish from more than one authorised boat at any time.

13. Restrictions in regard to Class A fishing

- (1) A person fishing in the Fishery under the authority of a licence specifying Class A fishing must not fish by any means other than by line and hook.
- (2) The master of an authorised boat fishing under the authority of a licence specifying Class A fishing must not permit more than –
 - (a) 10 lines to be used from that boat; and
 - (b) 300 hooks in total to be used from those lines,

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at any time in Zone 1 of the Fishery.

- (3) The master of an authorised boat fishing under the authority of a licence specifying Class A fishing must not permit more than –
 - (a) 6 lines to be used from that boat; and
 - (b) 10 hooks to be attached to each of those lines,at any time in Zone 2 of the Fishery.
- (4) A person fishing in the Fishery under the authority of a licence specifying Class A fishing must not fish using a dropline unless it is attached to a minimum of one buoy or float at the surface of the water that –
 - (a) has a minimum diameter of 200 millimetres; and
 - (b) is marked with the licensed fishing boat number of the authorised boat, in letters and numbers each of which are at least 60 millimetres high and 10 millimetres wide.

14. Restrictions in regard to Class B fishing

- (1) A person fishing in the Fishery under the authority of a licence specifying Class B fishing must not fish by any means other than by line and jig.
- (2) The master of an authorised boat fishing under the authority of a licence specifying Class B fishing must not permit a line to be used from that boat at any time in Zone 1 of the Fishery unless a jig is attached to that line.
- (3) The master of an authorised boat fishing under the authority of a licence specifying Class B fishing must not permit more than –
 - (a) 30 lines to be used from that boat; and
 - (b) 1 jig to be attached to each of those lines,at any time in Zone 2 of the Fishery.
- (4) A person fishing in the Fishery under the authority of a licence specifying Class B fishing must not fish using a dropline unless it is attached to a minimum of one buoy or float at the surface of the water that –
 - (a) where spherical in shape –
 - (i) has a minimum diameter of 100 millimetres; and
 - (ii) is marked with the licensed fishing boat number of the authorised boat, in letters and numbers each of which are at least 60 millimetres high and 10 millimetres wide; and
 - (b) where cylindrical in shape –
 - (i) has a minimum diameter of 50 millimetres; and
 - (ii) has a minimum length of 500 millimetres; and
 - (iii) is marked with the licensed fishing boat number of the authorised boat, in letters and numbers each of which are at least 60 millimetres high and 10 millimetres wide.

15. Restrictions in regard to Class C fishing

- (1) A person fishing in the Fishery under the authority of a licence specifying Class C fishing must not fish –

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- (a) by any means other than by fish trap; or
 - (b) in any zone other than the zone specified on that licence.
- (2) A person fishing in the Fishery under the authority of a licence specifying Class C fishing must not use a fish trap unless that fish trap is –
 - (a) marked with the licensed fishing boat number of the authorised boat; and
 - (b) attached to at least one buoy or float at the surface of the water with a minimum diameter of 200 millimetres and is marked with the licensed fishing boat number of the authorised boat, in letters and numbers each of which are at least 60 millimetres high and 10 millimetres wide.
- (3) The master of an authorised boat fishing under the authority of a licence specifying Class C fishing must not permit more than 40 fish traps to be used at any time.

16. Restrictions in regard to Class D fishing

- (1) A person fishing in the Fishery under the authority of a licence specifying Class D fishing must not fish –
 - (a) by any means other than by fish trap; or
 - (b) in any zone other than the zone specified on that licence.
- (2) A person fishing in the Fishery under the authority of a licence specifying Class D fishing must not use a fish trap unless that fish trap is –
 - (a) marked with the licensed fishing boat number of the authorised boat; and
 - (b) attached to at least one buoy or float at the surface of the water with a minimum diameter of 200 millimetres and is marked with the licensed fishing boat number of the authorised boat, in letters and numbers each of which are at least 60 millimetres high and 10 millimetres wide.
- (3) The master of an authorised boat fishing under the authority of a licence specifying Class D fishing must not permit more than 10 fish traps to be used at any time.

PART 6 – PROHIBITIONS AND OFFENCES**17. Persons prohibited from fishing in the Fishery**

- (1) A person must not fish in the Fishery other than –
 - (a) in accordance with this plan; and
 - (b) under the authority of a licence.
- (2) Subclause (1) does not apply to a person fishing –
 - (a) for scalefish or squid for a non-commercial purpose in accordance with the Act; or
 - (b) under the authority of an authorisation that authorises fishing in the –
 - (i) Marine Aquarium Fish Managed Fishery;
 - (ii) South Coast Salmon Managed Fishery;
 - (iii) Southern Demersal Gillnet and Demersal Longline Managed Fishery; or
 - (iv) South West Coast Salmon Managed Fishery.

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18. Prohibition on landing

- (1) The master of an authorised boat must not permit that boat from leaving the waters of the Fishery unless all scalefish or squid that has been taken in the Fishery has been landed prior to leaving the waters of the Fishery.
- (2) Subclause (1) does not apply where the master of an authorised boat has given notification to the CEO, in a manner and form approved by the CEO, not less than 2 hours prior to leaving the waters of the Fishery specifying –
 - (a) the licence number; and
 - (b) the licensed fishing boat number of the authorised boat; and
 - (c) the port of destination; and
 - (d) the estimated time at which scalefish or squid will be landed.

19. Prohibition on fishing under the authority of more than one licence

A person must not fish in the Fishery under the authority of more than one licence at any time.

20. Prohibition on selling or dealing with, or attempting to sell or deal with, or possessing, scalefish or squid

- (1) In this clause –

deal with includes handling, storing, transporting, weighing and recording;

otherwise dealt with includes handled, stored, transported, weighed and recorded.

- (2) A person must not sell, purchase, or deal with, or attempt to sell, purchase or deal with, or be in possession of, any scalefish or squid taken from the Fishery, landed or otherwise dealt with in contravention of this plan.
- (3) A person must not sell, purchase, or deal with, or attempt to sell, purchase, or deal with, or be in possession of, any scalefish or squid unless that scalefish or squid was taken and landed by the holder of a commercial fishing licence under the authority of a licence.

21. Notice of closure of area of the Fishery

- (1) The CEO may, by notice published in the Gazette, prohibit fishing by any means in any part of the Fishery for the period specified in the notice if the CEO is of the opinion that –
 - (a) the sustainability of fish stocks is at high risk; or
 - (b) any threatened, endangered or protected species are at high risk due to fishing activities in the Fishery.
- (2) A notice made in accordance with subclause (1) -
 - (a) may only be made after consultation with all licence holders; and
 - (b) must take into account any advice received from the Department's Executive Director of Science and Resource Assessment;

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- (c) may apply at all times or for a specified period; and
- (d) revokes any previous notice made under subclause (1).

- (3) A person must not fish in any part of the Fishery at a time when fishing in that part of the Fishery has been prohibited by a notice made under subclause (1).

22. Offences

A person who contravenes clause 12, 13, 14, 15, 16, 17(1), 18(1), 19, 20(2), 20(3) or 21(3) commits an offence.

SCHEDULES**Schedule 1
Description of the Fishery**

All Western Australian waters off the southern coast, between 115° 30' east longitude and 129° 00' east longitude; but excluding all waters of the South Coast Estuarine Managed Fishery as defined in the *South Coast Estuarine Fishery Management Plan 2005*.

**Schedule 2
Zones of the Fishery****Zone 1**

All Western Australian waters off the southern coast, between 115° 30' east longitude and 129° 00' east longitude; but excluding all waters of Zone 2.

Zone 2

All waters of the Fishery bounded by a line commencing at a point at 35° 07.65' south latitude and 117° 56.844' east longitude (on the mainland at Peak Head); then extending due south along the meridian to a point at 35° 07.712' south latitude and 117° 56.844' east longitude; then extending due east along the parallel to a point at 35° 07.712' south latitude and 118° 11.25' east longitude; then extending due north along the meridian to a point at 35° 01.475' south latitude and 118° 11.25' east longitude (on the mainland at Cape Vancouver); then generally westerly along the high water mark to a point at 35° 00.06' south latitude and 117° 56.958' east longitude (on the mainland); then extending north-westerly along the geodesic to a point at 34° 59.978' south latitude and 117° 56.832' east longitude (on the mainland); then generally south-westerly along the high water mark to a point at 35° 02.144' south latitude and 117° 55.174' east longitude (on the mainland at King Point); then extending southerly along the geodesic to a point at 35° 02.461' south latitude and 117° 55.222' east longitude (on the mainland); then generally south-easterly and then westerly along the high water mark to the commencement point.

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Schedule 3

Payments by Instalments

The fee payable in respect of the grant or renewal of a licence may be paid in instalments consisting of –

- (a) the first instalment being 25% of the total fee and due for payment on or before 1 July;
- (b) the second instalment being 25% of the total fee and due for payment on or before 1 November following the day on which the first instalment is paid;
- (c) the third instalment being 50% of the total fee and due for payment on or before 1 March following the day on which the first instalment is paid.

Dated 15 of December 2020

Peter Tinley
Minister for Fisheries

Original Management Plan and Amendment Information:

1. South Coast Line and Fish Trap Managed Fishery Management Plan 2020 first published in Government Gazette No. 212 on 22 December 2020 (pg. 4735-4741).
2. South Coast Line and Fish Trap Managed Fishery Management Plan Amendment 2022 published in Government Gazette No. 89 on 28 June 2022 (pg. 3778)

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